## DECL ATION FOR PATENT APPLICA .....N

below named inventor, I hereby declare that:

Docket No. A-1028

			ated below next to my name.			
ieve I am the ow) of the subject	ect matter which	d sole inventor (if only one h is claimed and for which pecification of which	e name is listed below) or an origin n a patent is sought on the invention	nal first and join on entitled	t inventor (if plural names are li: TISSUE MARKING DEVICE	sted
ck one)		attached hereto	10, 1004			
	[X] was	s filed on <u>September</u> Application Serial No	08/308.097			
	as a	Application Serial No d was amended on	003000091	(if appli	cable).	
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andment referre	ed to above.		ntents of the above identified spec			
ītle 37. Code	of Federal Re	gulations, § 1.56.	formation known to me to be ma			
reby daim fore w and have a th priority is d	lso identified be	nefits under Title 35, Unite elow any foreign application	ed States Code, §119 of any foreig on for patent or inventor's certifica	ite naving a ilin i	y date before that of the applica	tion on
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(Number)	<del></del>	(Country)	(Day/Month/Year Filed)	[]Yes	[ ]No	
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each of the da ted States Co e 37. Code of	ims of this app	nication is not disclosed in mowledge the duty to disc ations, §1.56 which becan	ode, §120 of any United States ap in the prior United States application close to the Office all information k ine available between the filing dat	known to me to	be material to patentability as d	efined in
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Foerster et al 08/308,097

ad or Issued:

16 September 1994

METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS

Docket No.: \_\_\_A-1028

(37 CFR 1.9(f) & 1.27(e))-SMALL BUSINESS CONCERN

ereby declare that I am

the owner of the small business concern identified below. an official of the small business concern empowered to act on behalf of the concern identified below:

ME OF SMALL BUSINESS CONCERN

Biopsys Medical, Inc.

DRESS OF SMALL BUSINESS CONCERN

27130 A Paseo Espada, Suite 1424 San Juan Capistrano, CA 92675

areby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced 37 CFR 1.9(d), for purposed of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the noem, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business noem is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power control the other, or a third party or parties controls or has the power to control both.

ereby; declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE invention, entitled: inventor(s): Seth A. Foerster, Fred H. Burbank, Mark A. Ritchart, and Elias A. Zerhouni scribed in the specification filed herewith application serial no. 08/308.097, filed 16 September 1994 \_\_ issued \_ he rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the ention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent entor-under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR (d), of a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or panization having rights to the invention averring to their status as small entities. (37 CFR 1.27) į. WE )DRESS INDIVIDUAL [ ] SMALL BUSINESS CONCERN [ ] NONPROFIT ORGANIZATION WE YORFSS INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

cknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer propriate. (37 CFR 1.28(b))

vereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or prisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of e application, any patent issuing thereon, or any patent to which this verified statement is directed.

AME OF PERSON SIGNING
TLE OF PERSON IF OTHER THAN OWNER
AUDECS OF DEBSON SIGNING

Steven L. Gex <u>President</u>

27130 A Paseo Espada, Suite 1424, San Juan Capistrano, CA 92675

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Docket No. A-1028

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Foerster et al 08/308,097
16 September 1994
METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS

	VERIF	(37 C.F.R. 1.9(f) & 1.27(	b))—INDEPENDEN	T INVENTOR	A100	
wood food under	section 41(a) ar	y declare that I qualify as an ii nd (b) of Title 35, United State S FOR MARKING AND DEFIN	s Code, to the Pate	entano irao emark C	C.F.R. 1.9(c) for purposes of pa Office with regard to the invention	ying on
patent no	al no. <u>08/,308.0</u>	97 , filed <u>16 September 1994</u> issued	_			
rights in the inv de the invention, anization under	rention to any pe , or to any conce 37 C.F.R. 1.9(e)	erson who could not be classifi em which would not qualify as	ed as an independ a small business d	oncern under 37 C.I		
to assign, grant	em or organization, convey, or lice	on to which I have assigned, g ense any rights in the invention	ranted, conveyed, is listed below:	or licensed or am ur	nder an obligation under contra	act or
no su (X) perso	ons, concerns or	cem, or organization rorganizations listed below*				
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